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JAN 10 1961  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>Philadelphia</b>	OFFICE OF ORIGIN <b>Philadelphia</b>	DATE <b>1/16/70</b>	INVESTIGATIVE PERIOD <b>1/13/70</b>
TITLE OF CASE <b>JEROLD LEROY WILLIAMS; WILLIAM JAMES FARRELL, III; EARL W. FREY; CHARLES N. MORROW; NEVIN C. BARLEY, JR.; UNSUBS; York Police Department, York, Pa., Clarence Mack Ausby, Jr., aka Sonny; BENNIE LEE CARTER - VICTIMS</b>		REPORT MADE BY <b>NORMAN A. HENDRICKS</b>	TYPED BY <b>gdi</b>
		CHARACTER OF CASE <b>CIVIL RIGHTS - SUMMARY PUNISHMENT</b>	<b>11 4 7 1 2</b>

## REFERENCE

Philadelphiareport of SA DONALD G. COX dated  
1/12/70.

-C-

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO
								PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

SPECIAL AGENT  
IN CHARGE

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③ BUREAU  
1-USA, MDPA. (JA)  
1-PHILADELPHIA (44-1704)

44-44140-4 REC-15

8 JAN 19 1970

## Dissemination Record of Attached Report

Agency	CRU 12 2 30 1 1030
Request Recd.	
Date Fwd.	1-19-70
How Fwd.	6-9466 300
By	gdi

Notations

STAT. SECT.

-A\*-

COVER PAGE

GPO : 1968 O - 299-885

**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION**

Copy to: 1-USA, MDP. (JA)

Report of: NORMAN A. HENDRICKS  
Date: JAN 16 1970

Office: PHILADELPHIA,  
PENNSYLVANIA

Field Office File #: 44-1704

Bureau File #:

Title: JEROLD LEROY WILLIAMS; WILLIAM JAMES FARRELL, III;  
EARL W. FREY; CHARLES N. MORROW; NEVIN C. BARLEY, JR.;  
UNKNOWN SUBJECTS; York Police Department, York, Pa.,  
Clarence Mack Ausby, Jr., ALSO KNOWN AS Sonny;  
BENNIE LEE CARTER

Character: CIVIL RIGHTS - SUMMARY PUNISHMENT

Synopsis: Assistant United States Attorney JULIUS ALTMAN, Middle District of Pennsylvania, in advisory opinion on 1/13/70, stated that he did not believe prosecution could be sustained in this matter because facts indicated that there was a gun battle between police in armored car and snipers on 7/19/69 on 200 block of Green Street, York, Pa., and victims were injured from cross-fire. He stated that also victim, CLARENCE MACK AUSBY's allegation that he was kicked by one of the police, while he was being taken to hospital by them after being wounded, and lying on floor of armored car could have been accidental because of his position on floor of crowded car. He stated that none of the facts in this matter indicated summary punishment of the victims by the police.

-C-

DETAILS: Assistant United States Attorney JULIUS ALTMAN, Middle District of Pennsylvania, Scranton, Pa., and SA NORMAN A. HENDRICKS discussed the facts of this matter on January 13, 1970. At this time Mr. ALTON gave his advisory opinion that prosecution in his opinion could not be sustained in this matter. He stated that the facts of this matter indicated that early in the morning on July 19, 1969, there was a gun battle going on between York, Pa., Police in an armored car, and snipers in the 200 block of Green Street, which was just one of many such incidents going on in York at the time, due to extensive racial violence. He stated that it appeared that the victims were shot in the cross-fire between the police and snipers. He stated that victim, CLARENCE MACK AUSBY, admitted being in a semi-conscious condition while the police

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PH 44-1704

were taking him to the hospital after being wounded, and that he was lying on the floor of an armored car crowded with police during this trip. He said that under these circumstances it could have been accidental that he was kicked by the police because of his position on the floor. He stated that none of the facts of this matter indicated any summary punishment of the victims by the police.

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>PHILADELPHIA</b>	OFFICE OF ORIGIN <b>PHILADELPHIA</b>	DATE <b>JAN 12 1970</b>	INVESTIGATIVE PERIOD <b>12/16/69</b>
TITLE OF CASE <b>JEROLD LEROY WILLIAMS; WILLIAM JAMES FARRELL, III; EARL W. FREY; CHARLES N. MORROW; NEVIN C. BARLEY, Jr.; UNSUBS; YORK POLICE DEPARTMENT, YORK, PA., CLARENCE MACK AUSBY, JR., aka SONNY; BENNIE LEE CARTER - VICTIMS</b>		REPORT MADE BY <b>DONALD G. COX</b>	TYPED BY <b>mlb</b>
		CHARACTER OF CASE <b>CIVIL RIGHTS SUMMARY PUNISHMENT</b>	

REFERENCE

Philadelphia report dated 12/17/69 by SA JOHN R. WINEBERG.

- P -

LEADS

PHILADELPHIA:  
AT YORK, PA.

Will obtain advisory opinion of AUSA, MDPa.

ACCOMPLISHMENTS CLAIMED						ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
APPROVED COPIES MADE: ③ - Bureau 1 - USA, MDPa. 2 - Philadelphia (44-1704)						SPECIAL AGENT IN CHARGE	
						DO NOT WRITE IN SPACES BELOW	
						44-44140-3 REC-35 EX-109	
						19 JAN 18 1970	
Dissemination Record of Attached Report						Notations	
Agency	Request Recd.	Date Fwd.	How Fwd.	By			

PH 44-1704

ADMINISTRATIVE DATA

Investigative period is a date included in the investigative period of referenced report, as the information obtained in Harrisburg was not received through the mails of the Philadelphia Office until referenced report had been dictated.

B\*  
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, MDPa.

Report of: DONALD G. COX  
Date: JAN 12 1970Office: PHILADELPHIA,  
PENNSYLVANIA

Field Office File #: 44-1704

Bureau File #:

Title: JEROLD LEROY WILLIAMS; WILLIAMS JAMES FARRELL, III;  
EARL W. FREY; CHARLES N. MORROW; NEVIN C. BARLEY, Jr.;  
UNKNOWN SUBJECTS; YORK POLICE DEPARTMENT, YORK, PA.,  
CLARENCE MACK AUSBY, JR.; BENNIE LEE CARTER - VICTIMS

Character: CIVIL RIGHTS - SUMMARY PUNISHMENT

Synopsis: Investigative report by Pennsylvania State Police,  
Incident #X-1133 (a), was obtained from PSP,  
Harrisburg, Pa., concerning CLARENCE AUSBY.

- P -

## DETAILS:

On December 16, 1969, Major JOHN F. YAGLENSKI,  
Bureau of Criminal Investigative Headquarters, Pennsylvania  
State Police, furnished a copy of investigative report,  
Incident #X-1133 (a), to SA WILBUR S. METCALF, which is as  
follows:

PENNSYLVANIA STATE POLICE  
INITIAL CRIME REPORT

York

217

X-1133 (a)  
H7-67373

OFFENSE: Assault With Intent To Kill		4. SECT. NO.: 710	5. U.C.R. CODE: 041	6. DATE OCCURRED/DAY 19 JUL 69 SAT	7. TIME OCCURRED: 0115
LOCATION: 237 Green St., York, Penna.				9. COUNTY/TWP. CODE: 66/301	10. ZONE:
11. NAME: Clarence (NMN) AUSBY		ADDRESS: 231 Green St., York, Penna.			PHONE: None
12. RACE SEX AGE: C M 26	13. EMPLOYER OR SCHOOL: American Chain and Cable Co., York, Penna.			14. HOSPITALIZED AT: York Hospital	
15. NAME: RACE SEX AGE HT. WT. COMPL. HAIR EYES CLOTHING					
DISCOVERED BY: Victim		17. DATE DISCOVERED: 19 JUL 69	18. TIME DISCOVERED: 0115	19. DATE INV. ARRIVED: 29 JUL 69	20. TIME INV. ARRIVED: 1045
TYPE PREMISES: On sidewalk in front of 237 Green St., York, Penna.			22. POINT OF ENTRY:		23. TOTAL PROP. VALUE:
MEANS OF ENTRY:			25. LOCATION OF VICTIM/PROPERTY ON PREMISES: On sidewalk in front of 237 Green St., York, Penna.		
WEAPON OR FORCE USED: 12 gauge shotgun		HOW USED: by York City Police as a defensive weapon.			
VEHICLE USED: YEAR COLOR MAKE TYPE REGISTRATION (STATE & NO.) IDENTIFYING CHARACTERISTICS					
NARRATIVE: (1) LIST ACCUSED AND/OR ADDITIONAL SUSPECTS. (2) SUMMARIZE DETAILS OF INCIDENT. (3) DESCRIBE STOLEN ARTICLES AND VALUE; ALSO PHYSICAL EVIDENCE, WHERE FOUND & DISPOSITION. (4) INCLUDE STATEMENT OF VICTIMS, WITNESSES, AND SUSPECTS; ALSO THEIR LOCATION AT TIME OF CRIME. (5) FURNISH NAME OF CORONER AND EVIDENCE TECHNICIANS NOTIFIED. (6) DESCRIBE ARREST. (7) REFER TO OTHER REPORTS BY NAME & NUMBER. USE SUPPLEMENT REPORT IF NEEDED.					

~~RECORDED~~  
Additional Victims: Bennie (NMN) CARTER, 237 Green St., York, Penna., Phone: none  
C-M-33, employed by the American Chain and Cable Co., York, Penna. Treated at the  
York Hospital and discharged. Injured by the same manner at approximately the same  
time and at the same location as Clarence (NMN) AUSBY.

This investigation brought about as a result of the civil disorder  
in the City of York, Penna. which commenced on date of 17 JUL 69 and terminated on date  
of 28 JUL 69.

On date of 29 JUL 69 the reporting officer in company of Detective  
Arthur CRONIN, P.S.P., Departmental Headquarters proceeded to the York Hospital and there  
interviewed Clarence (NMN) AUSBY. Officers arrived at approximately 1045 hrs.

Clarence (NMN) AUSBY, C-M-26, victim, 231 Green St., York, Penna. stated as follows:

"I can tell you exactly what happened! I was sitting on the  
second step of the porch of 237 Green St.. It was Saturday morning, (19 JUL 69) at  
about 2:00 A.M. I was with a group of 7 or 8 people. Nobody had guns. There had been  
a bunch of teenagers messing around with the police all evening. Some teenagers ran  
west on College Ave. and turned north on Green St. The cops came in the armored car,  
stopped at the corner of Green and College Ave. and started to fire up Green St. at  
the teenagers. I was hit three times in the leg and I fell. Bennie Carter ran to me  
and tried to help me up and he was shot. I think that another bullet glanced off the  
porch and hit me in my left hip. I didn't know about this shot until about 3 or 4 days  
ago, (25-26 JUL 69), when the doctor took this bullet out. I don't know who the  
teenagers were, but I did see that they were carrying guns. After I was hit the  
neighbors ask the police in the armored car to take me to the hospital. I was placed  
in the armored car and taken to the Grantley Fire Company and transferred to their  
ambulance. While in the armored car police made the remark, "You black bastard you  
better not die until you get to the hospital."

0. CHECK: <input checked="" type="checkbox"/> UNFOUNDED	30. REPORTING OFFICER'S SIGNATURE: <i>[Signature]</i>	SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
1. CLEARED <input type="checkbox"/> NOT CLEARED <input type="checkbox"/>	Kenneth J. Mankel, Cpl.	SERIALIZED <input checked="" type="checkbox"/>	31. SUPV. INITIALS: <i>[Initials]</i>



PENNSYLVANIA STATE POLICE SUPPLEMENT REPORT		1. CITY: York		2. DATE: 7		3. FILE NO.: K-1133 (a)	
4. NAME OF VICTIM:		5. DATE:		6. TYPE REPORT CONTINUES OR SUPPLEMENTED:		7. TYPE REPORT CONTINUES OR SUPPLEMENTED:	
8. USED AS CONTINUATION SHEET OF CURRENT REPORT		9. USED TO REPORT SUPPLEMENTAL INVESTIGATION		10. INITIAL CRIME		11. VEHICLE	
12. NEW OFFENSE IF CHANGED:		13. VALUE RECOVERED PROPERTY:		14. STATUS:		15. FURTHER ACTION & REPORT REQUIRED:	
16. STATUS: <input checked="" type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED <input type="checkbox"/> NOT CLEARED		17. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		18. MULTIPLE CLEAR-UPS: (LIST OTHER INCIDENT YES NOS. IN NARRATIVE) <input type="checkbox"/> YES <input type="checkbox"/> NO		19. NO	
19. NARRATIVE: IN FOLLOW-UP USAGE, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.							

USED/SUSPECT Through investigation it was ascertained that Sgt. Nevin BARLEY was the operator of the armored car in question at the time of this shooting.

Received from the victim on date of 29 JUL 69, one (1) 00 lead buck shot which the victim, Clarence (NMN) AUSBY claimed was removed from his left hip. This buck shot is being retained by the reporting officer and is stored at the York Barracks, Penna. State Police.

On date of 29 JUL 69, the reporting officer, accompanied by Cpl. Donald WEISKNER, P.S.P., Harrisburg Barracks, proceeded to the office of Dr. Earl L. BERNSTEIN, 800 S. George St., York, Penna., physician attending Clarence (NMN) AUSBY.

Dr. Earl L. BERNSTEIN, M.D., 800 S. George St., York, Penna., telephone number 854-7460. It was stated that the victim, AUSBY, had three (3) bullet wounds of the right thigh which passed completely through the tissue, severing the femoral artery and vein. There was one bullet lodge in the superficial tissue of the left thigh which was removed and turned over to the patient. All wounds appeared to be about the size of a .30 cal. bullet.

On date of 29 JUL 69, the undersigned officer accompanied by Detective CRONIN, interviewed the second victim, Bennie (NMN) CARTER, at his residence, time: 1130 hrs.

Bennie (NMN) CARTER, C-M-33, 237 Green St., York, Penna., (victim).

It was between 12:30 A.M. and 1:00 A.M. on the 19th of JULY. An armored car from the police department pulled up into the intersection of College Ave. and Green St. and started shooting. I was sitting with some other people on the steps of my home. The armored truck pulled up and a cop yelled, "O.K. you black bastards, if this is the way you want it, this is the way you'll get it!" They started shooting. This truck was red and white. Nobody got out of the truck. Clarence AUSBY yelled that he was hit and he fell. I ran to help him. I could see the shots skimming along the asphalt road. I bent over to help Clarence and that's when I was hit in the back. After putting Clarence into the armored car. I got into Clarence's car and my brother Jerome drove me to the hospital. Jerome then returned Clarence's car to his home at 231 Green St. The tire on Clarence's car later went flat and I think it was hit by one of the bullets.

When Clarence was hit and we ask the police to take him to the hospital, they said, "All you niggers bring him out and put him in the truck, there's enough of you".

Dr. Earl L. BERNSTEIN, physician attending CARTER, stated that CARTER was shot through the left flank and he suffered a superficial wound, bullet entered and exited and was not recovered.

Continued on page three (3)

20. PAGE NO.: 2	21. REPORTING OFFICER'S SIGNATURE: Col. Kenneth L. Markel	22. BADGE NO.: 1767	23. DATE OF INCIDENT: 19 JUL 69	24. SUPV. INITIALS:
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PENNSYLVANIA STATE POLICE SUPPLEMENT REPORT		York		2		X-1135 (a)	
OFFENSE:		4. NAME OF VICTIM:				5. DATE:	
<input checked="" type="checkbox"/> USED AS CONTINUATION SHEET OF CURRENT REPORT <input type="checkbox"/> USED TO REPORT SUPPLEMENTAL INVESTIGATION		7. TYPE REPORT CONTINUED OR SUPPLEMENTED:		<input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST		8. VALUE RECOVERED PROP.:	
9. STATUS:		12. FURTHER ACTION & REPORT REQUIRED:		13. MULTIPLE CLEAR-UP:		14. VALUE RECOVERED PROP.:	
<input type="checkbox"/> CLEARED <input checked="" type="checkbox"/> UNFOUNDED <input type="checkbox"/> NOT CLEARED		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES NOS. IN NARRATIVE <input type="checkbox"/> NO		<input type="checkbox"/> YES NOS. IN NARRATIVE <input type="checkbox"/> NO	
15. NARRATIVE: IN FOLLOW-UP CASES, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT, NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.							

USED/SUSPECT

On date of 30 JUL 69 the undersigned officer proceeded to the residence of Barbara M. and Jerome J. CARTER, 239 Green St., York, Penna. for the purpose of conducting an interview into the circumstances surrounding this case.

Barbara M. CARTER, C-F-26, housewife, 239 Green St., York, Penna., telephone number 845-1335, stated as follows: A bunch of kids came running out of Malask Alley at about 1:00 A.M. on the 19th of JULY. It may have been five or six of them. They cut across Green St. to our side of the street (West side). The kids ducked down behind porches and cars. They had rifles. Just before this we heard a shot that sounded as if it came from College Ave., somewhere east of us. The police armored car was parked at the intersection of College Ave. and Green St. Just a short time after we heard this shot was when the kids came out of Malask Alley. A couple of kids laid down behind PALMER'S steps, (Detective George A. PALMER, York Police Department, residence, 235 Green St.) and opened fire on the armored car. Gun shots were being returned back and forth and lasted for about five minutes. Sonny (aka Clarence AUSBY) and Bennie CARTER were caught in the middle of the gun-fire and were shot. The armored car left, going west on College Ave. A few minutes later it appeared again turning off of Princess and coming south on Green St. This is when Jerome, my husband and Anna, Bennie's wife stopped the armored car and ask that Sonny be taken to the hospital. The police answered, "You bring him out, there's enough of you to bring him out. Jerome put Sonny in the armored car and they took him to the hospital. Jerome remained behind and took Bennie to the hospital in Sonny's car.

Jerome J. CARTER, C-M-28, employed at the Caterpillar Tractor Co., York, Penna. husband of Barbara, previous paragraph. Residing at 239 Green St., York, Penna. Jerome corroborated the statement of his wife Barbara with certain reservation, namely that the police fired first. Can't say that there were kids on the street. Stated that the police yelled, "You black bastards, if that's the way you want it, that's the way you'll get it".

It should be noted at this time that Barbara was interviewed without her husband being present. It appeared that after her husband, Jerome arrived at the residence Barbara was not as cooperative in answering questions. Jerome was very evasive and a touch of hostility was evident.

From the statements obtained the undersigned officer concluded that both victims were wounded accidentally as a result of being caught in a cross fire between police and hostile, armed negro youths who in all probability were roaming this section of the city, firing on both police and motorist who were passing through this area. There is a great deal of tension in the area of this shooting and persons are reluctant to talk to police for fear of retaliation from the negroes who are militant and who reside in the immediate vicinity. This fact is causing the investigators to have difficulty in getting a true unbiased picture of what occurred.

THIS INVESTIGATION TO BE CONTINUED:

5. PAGE NO.	16. REPORTING OFFICER'S SIGNATURE:	17. DATE OF INCIDENT:	18. SUPV. INITIALS:
3	Cpl. Kenneth L. Markel	19 JUL 69	

PENNSYLVANIA STATE POLICE SUPPLEMENT REPORT		1. CITY: York	2. FILE NO.: X-1133 (a)
3. OFFENSE: Assault with intent to kill		4. NAME OF VICTIM: Clarence AUSBY Bonnie CARTER	5. DATE: 2 AUGUST 1969
6. USED AS CONTINUATION SHEET OF CURRENT REPORT <input type="checkbox"/>	7. TYPE REPORT CONTINUED OR SUPPLEMENTED: <input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST		
8. USED TO REPORT SUPPLEMENTAL INVESTIGATION <input checked="" type="checkbox"/>	9. NEW OFFENSE IF CHANGED:	10. VALUE RECOVERED PROP: \$	
11. STATUS: <input type="checkbox"/> UNFOUNDED <input checked="" type="checkbox"/> CLEARED <input checked="" type="checkbox"/> NOT CLEARED	12. FURTHER ACTION & REPORT REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	13. MULTIPLE CLEAR-UPS: (LIST OTHER INCIDENT YES NOS. IN NARRATIVE) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NARRATIVE: IN FOLLOW-UP USAGE, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.			
14. SUSPECT			

Clarence AUSBY, C-M-26, 231 Green St., York, Penna.

In continuing this investigation on date of 1 AUG 69, the undersigned officer contacted several policeman from the York City Police Department who were directly involved in this specific incident.

Sgt. Nevin C. BARLEY, Jr., York City Police Department, home residence: 1860 South Main St., York, Penna. was interviewed and stated as follows: On the evening in question were pinned down at the intersection of College Ave. and Hartley St. The gun fire was coming from the third floor of the house on the north-east corner of Green and College Ave. There was also coming from the 2nd house on Green St. off of College Ave. on the west side of the Street. We received another call and once we were free of gunfire, we left the scene. (Sgt. BARLEY was the operator of a York City Police Department armored car that was supposed to have been at the intersection of Green St. and College Ave. and from which the shot fired that felled Clarence AUSBY. In reality the gunfire that felled AUSBY came from an armored vehicle which was operated by Cpl. Earl Frey of the York City Police Department.)

Patrolman William J. FARRELL, York City Police Department, home residence: 804 Madison St., York, Penna., telephone number 849-1183. Interviewed on date of 1 AUG 69 by the undersigned officer, stated: I was in the armored car being operated by Cpl. FREY. Other men assigned to this vehicle were, Charles MORROW, Frederick EUTERLINE and Jerry WILLIAMS of the York City Police Department. On the date and time in question we were coming south on Green St. off Princess St. We had almost travelled the entire block of Green St. and was near the northern end of the block when we took gun fire from a man who was on the west side of the street in front of the second or third house from the end of the block. He was leaning over a car and was firing at us with a rifle. We opened fire and he fell immediately. Several persons came out of the second house, (2nd house from the west side of the street at the southern end of the two hundred block), and drug the fallen man into the alleyway between the house. We continued on to we got to the intersection of Green St. and College Ave. and stopped. Some people called to us to come to the aid of the wounded man and we then drove north on Green St. to near the point where the man had been shot. We didn't get out of the armored vehicle because of being shot from ambush. We opened the door and one of the people of the block drug him out to the armored car and put him inside. We took him to the Grantley Fire Company and turned him over to the crew of the Grantley Ambulance who took him to the hospital.

Patrolman Charles N. MORROW, W-M-33, Policeman of the York City Police Department, assigned to the K-9 Division. Veteran of 6 years on the force. Home residence: RD-5, Dover, Penna. Unlisted telephone number: 292-3227.

It was the 19th of JULY, I was in armored car "Bonnie". We were coming south on Main St. It was about 1:15 A.M. We heard a volley of shots. The corporal continued to drive south on Green St. and started to make a right turn onto College Ave. I was in the back of the armored car at the side observers' spot at the port hole. I could see the north-east corner of the buildings. Continued on page two (2)

PAGE NO. 1	16. REPORTING OFFICER'S SIGNATURE: Cpl. Kenneth L. Markel	17. DATE OF INCIDENT: 19 JUL 69	18. SUPV. INITIALS: [Signature]
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LEAD/SUSPECT

Clarence AUSBY.

MORROW statement continued : I seen one male negro carrying a rifle with a sling. He ran up against a car with his left elbow and fired a shot. He shot again and I fired 12 gauge shotgun. He fell down. Two men came out of one of the houses and grabbed him and the rifle and drug him out of view. I informed our driver what had happened and he turned the armored car around and went north on Green St. We stopped where I had shot the man. I observed a shotgun shell on the sidewalk. Upon completion of duty I returned to City hall and informed Lieut. GIBBS, my Commanding Officer, of what had happened. He told me he would take care of the matter.

~~At this point of this investigation it would appear if the undersigned officer is~~  
~~believe the involved officers of the York City Police Department, that Clarence AUSBY~~  
~~s shot while he was in the act of firing upon a police vehicle and police personnel.~~  
~~would also appear that the York Police Officers involved would have sufficient~~  
~~ounds to file charges against AUSBY, charging him with Assault with intent to kill.~~

~~Additional witnesses will be interviewed when available. Cpl. FREY, Patrolman TERLINE and Patrolman WILLIAMS were not able to be contacted as of date of this report. There is also an individual who resides in the area who this officer feels is worthy of trust and attempts will be made to contact this individual.~~

~~INVESTIGATION TO BE CONTINUED:~~

PENNSYLVANIA STATE POLICE SUPPLEMENT REPORT		1. JURISDICTION York		2. FILE NO. 2-1		3. INCIDENT NO. X1133 (a)	
OFFENSE: Manslaughter With Intent To Kill		4. NAME OF VICTIM: Members of the York City Police Dept.			5. DATE: 6 AUG 69		
<input type="checkbox"/> USED AS CONTINUATION SHEET OF CURRENT REPORT		7. TYPE REPORT CONTINUED OR SUPPLEMENTED: <input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST					
<input checked="" type="checkbox"/> USED TO REPORT SUPPLEMENTAL INVESTIGATION		8. NEW OFFENSE IF CHANGED:			9. VALUE RECOVERED PROP.: \$		
STATUS: <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED <input checked="" type="checkbox"/> NOT CLEARED		12. FURTHER ACTION & REPORT REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		13. MULTIPLE CLEAR-UP?: (LIST OTHER INCIDENT NOS. IN NARRATIVE) <input type="checkbox"/> YES <input type="checkbox"/> NO			
NARRATIVE: IN FOLLOW-UP USAGE, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.							

DEER/SUSPECT

Clarence (IMM) AUSBY, C-M-26, 231 Green St., York, Penna.

On date of this report the undersigned officer contacted and interviewed the following person in regards to this captioned case:

Dr. Charles MACKENZIE, Resident Surgeon, York, Hospital, York, Penna., who stated: He treated the suspect, AUSBY and was present when he was admitted to the Emergency Room at the York Hospital. Dr. MACKENZIE further stated that he was present when a member of the York Police Department went through the clothing of the suspect and found a quantity of unsent cal. cartridges. The Dr. stated that he does not know who the police officer was.

Information was received by this officer that Detective George A. PALMER, York Police Department is in custody of the aforementioned 22 cal. cartridges which were taken from AUSBY.

INVESTIGATION TO BE CONTINUED:

PAGE NO. 1	16. REPORTING OFFICER'S SIGNATURE: <i>Kenneth L. Markel</i> Kenneth L. Markel, Cpl.	BADGE NO.: 1262	17. DATE OF INCIDENT: 10 JUL 69	18. SUPV. INITIALS: <i>[Signature]</i>
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7-905 (8-67)		2. INCIDENT NO.	
PENNSYLVANIA STATE ICE SUPPLEMENT REPORT		1. STATION York	CODE 217
		X-1133 (a)	
OFFENSE: Assault with Intent to Kill	4. NAME OF VICTIM: Members of the York City Police Department		5. DATE: 12 AUG 69
<input type="checkbox"/> USED AS CONTINUATION SHEET OF CURRENT REPORT	7. TYPE REPORT CONTINUED OR SUPPLEMENTED: <input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST		
<input checked="" type="checkbox"/> USED TO REPORT SUPPLEMENTAL INVESTIGATION	9. NEW OFFENSE IF CHANGED:		10. VALUE RECOVERED PROP.: \$
STATUS: <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED <input checked="" type="checkbox"/> NOT CLEARED	12. FURTHER ACTION & REPORT REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		13. MULTIPLE CLEAR-UP? (LIST OTHER INCIDENT YES NOS. IN NARRATIVE) <input type="checkbox"/> YES <input type="checkbox"/> NO
NARRATIVE: IN FOLLOW-UP USAGE, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.			
SEQ/SUSPECT			

Clarence AUSEY, C-M-26, 231 Green St., York, Penna.

In continuing this investigation on date of 11 AUG 69 the undersigned officer interviewed following person.

Louis (IRSI) ATKATER, Jr., 494 N. Hope Ave., York, Penna., telephone number 243-2170, employed by the American Chain and Cable Co., York, Penna. ATKATER stated that from word of mouth received from residents of the community, AUSEY is alleged to have been responsible for turning out the street lights on Green Street earlier the same evening that he was shot, (18 AUG 69). This witness also stated that shots were heard coming from Green Street throughout early evening hours of the 18th JUL 69 and that about midnight of the 18th-19th a white 56 Cadillac Convertible was observed by this witness speeding west on College Ave. toward Hartley St. Three colored males got out of this car and ran to the rear of my garage. This was in an alley between Green St. and Hartley St. An armored car came west on College Ave, pulled into the intersection of Green St. and parked in a diagonal position within the intersection. The colored fellows at the rear of my garage fired on this armored car with high powered rifle. The police returned fire and were not very careful where they were shooting. A bullet hit the fan in my upstairs bedroom and pieces of the bullet struck me in chest. I pushed a large dresser in front of the window and placed mattresses on the floor. My wife, children and myself spent the evening in this room lying on the floor. This incident happened about a half hour before AUSEY and Carter were shot.

In a previous report submitted by the undersigned officer and in reference to this investigation it was stated in the interview with Patrolman FARELL of the York City Police Department that the armored vehicle commanded by Cpl. FREY of the York Police Department, transported the wounded AUSEY from the scene. This was a misinterpreted statement and was the Armored vehicle commanded by Sgt. Kevin BARLEY that was sent from city hall to the scene and which transported AUSEY from the scene.

THIS INVESTIGATION TO BE CONTINUED:

PAGE NO.	16. REPORTING OFFICER'S SIGNATURE: <i>James H. Markel</i>	BADGE NO.: 8	17. DATE OF INCIDENT:	18. SUPV. INITIALS:
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PENNSYLVANIA STATE POLICE SUPPLEMENT REPORT		1. LOCATION: <u>York</u>		2. INCIDENT NO.: <u>X-1133 - (a)</u>	
OFFENSE: <u>Assault With Intent To Kill</u>		3. NAME OF VICTIM: <u>Members of the York City Police Dept.</u>		4. DATE: <u>21 AUG 69</u>	
<input type="checkbox"/> USED AS CONTINUATION SHEET OF CURRENT REPORT <input checked="" type="checkbox"/> USED TO REPORT SUPPLEMENTAL INVESTIGATION		5. TYPE REPORT CONTINUED OR SUPPLEMENTED: <input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST			
6. STATUS: <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED <input checked="" type="checkbox"/> NOT CLEARED		7. NEW OFFENSE IF CHANGED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		8. VALUE RECOVERED PROP.: <u>\$</u>	
9. FURTHER ACTION & REPORT REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		10. MULTIPLE CLEAR-UP?: (LIST OTHER INCIDENT NOS. IN NARRATIVE) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
11. NARRATIVE: IN FOLLOW-UP USAGE, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.					

SUSPECT

Clarence AUSBY, C-M-26, 231 Green St., York, Penna.

On date of 20 AUG 69, Chief of Police, Leonard L. LANDIS, York Police Department, turned over to the Pennsylvania State Police a letter that he had received from Edward PINKERTON, Supervisor of Security at Dentsply International, York, Penna. This letter relates to the circumstances that led to the shooting of suspect AUSBY. Said correspondence is attached to this report.

On date of 20 AUG 69 the undersigned officer proceeded to the area in the vicinity the crime scene. The following persons were interviewed.

Alfred W. AKIN, W-M-55, 466 West College Ave., York, Penna., self-employed, telephone 843-7043. Mr. AKIN stated that during the disorder and in particular on the 18th of JULY there was a lot of activity at 239 Green St., (residence of Jerome CARTER) many people were coming in and out. There were no guns observed. About 11:00 P.M. on the 18th JULY four or five young colored boys came west on West College Ave. and turned north onto Green St. there was a shooting in the green St. area and about fifteen minutes later the same boys came south on Green St. and went east on West College Ave. towards the York-Penn Cafe, (Sam's). There were no police observed in the immediate vicinity at this time. There was considerable shooting prior to the arrival of the York Police Dept. armored car. Mr. AKIN took the undersigned to the front door of his residence where it was plainly visible that persons had fired a shotgun at the door. There were pellets, size # 5 or # 6 embedded in the door. There were no signs that a shotgun rifled slug was fired into the door. Mr. AKIN stated that these shots were not fired by the police and they came from Green St.

The following persons were interviewed with negative results.

Jesse James FAULKNER, N-M-33, 458 Princess St., York, Penna.

Charles J. MYERS, N-M-48, 458 Princess St., York, Penna.

John E. THOMPSON, N-M-51, 460 West College Ave., York, Penna.

John STONEY, N-M- , 455 West College Ave., York, Penna.

Joseph C. CARTER, N-M-20, 617 S. Duke St., York, Penna.

Tresea M. STARNER, W-F-12, 340 West College Ave., York, Penna.

Rosalie (NEEN) KERSE, N-F-46, 462 West College Ave., York, Penna., corroborated the statement of AKIN in regards to seeing the young negro boys running back and forth between West College Ave. and Green St.

Continued on page two (2).

12. PAGE NO.: <u>1</u>	13. REPORTING OFFICER'S SIGNATURE: <u>[Signature]</u>	14. BADGE NO.: <u>1262</u>	15. DATE OF INCIDENT: <u>10 JUL 69</u>	16. SUPV. INITIALS: <u></u>
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7-909 (8-67) PENNSYLVANIA STATE POLICE SUPPLEMENT REPORT		1. STATION: <u>York</u>	2. INCIDENT NO.: <u>X-1133 - (2)</u>
3. OFFENSE:		4. NAME OF VICTIM:	5. DATE:
<input checked="" type="checkbox"/> USED AS CONTINUATION SHEET OF CURRENT REPORT	7. TYPE REPORT CONTINUED OR SUPPLEMENTED: <input checked="" type="checkbox"/> INITIAL CRIME <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST		
<input type="checkbox"/> USED TO REPORT SUPPLEMENTAL INVESTIGATION	9. NEW OFFENSE IF CHANGED:		10. VALUE RECOVERED PROP.: \$
STATUS: <input type="checkbox"/> CLEARED <input type="checkbox"/> UNFOUNDED <input checked="" type="checkbox"/> NOT CLEARED	12. FURTHER ACTION & REPORT REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	13. MULTIPLE CLEAR-UP: (LIST OTHER INCIDENT YES NOS. IN NARRATIVE) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NARRATIVE: IN FOLLOW-UP USAGE, RECORD ALL DEVELOPMENTS SUBSEQUENT TO LAST REPORT. LIST ANY ACCUSED AND/OR SUSPECTS AS FIRST ITEM. INCLUDE ARREST REPORT NUMBERS OF PERSONS ARRESTED, VALUE AND DISPOSITION OF RECOVERED PROPERTY (ATTACH PROPERTY RECORD), AND EXPLAIN ANY CHANGE IN OFFENSE.			

~~ALL SUSPECTS~~

All persons covered in this report were also questioned relative to any of the cases that occurred in the vicinity of West College Ave. and South Penn St. during the period of civil disorder in the city of York. Results were negative.

Investigation to be continued:

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14. PAGE NO.:	15. REPORTING OFFICER'S SIGNATURE: <i>[Signature]</i> Kenneth J. [unclear]	BADGE NO.: <u>1060</u>	17. DATE OF INCIDENT: <u>10 JUL 60</u>	18. SUPV. INITIALS:
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# DENTSPLY INTERNATIONAL

500 WEST COLLEGE AVENUE, YORK, PENNSYLVANIA 17404 ; CABLE ADDRESS: DENTALINA YORK - TELEPHONE: AREA CODE 717-848-1141

August 13, 1969

Leonard L. Landis  
Chief of Police  
York Police Department  
York, Pennsylvania

Dear Chief Landis:

After reading a story in the Gazette and Daily, the date being August 7, 1969, pertaining to Bennie L. Carter, 237 Green Street, and Clarence M. Ausby, 231 Green Street, who testified before the federal court in Harrisburg, Pennsylvania, that on July 19, 1969, they were shot by the police while sitting on their front porch, and had done nothing to deserve being shot.

I want to call your attention to an incident which occurred about 1:00 a.m. Saturday, July 20, 1969, when the 1:00 a.m. shift was leaving the parking lot at Dentsply International Inc, 500 W. College Avenue, York, Pennsylvania.

During the entire day of Friday, July 19, 1969, there was shooting in the vicinity of our factory. Shortly before the 1:00 a.m. shift was ready to leave the grounds I called the police department to dispatch a cruiser car to the vicinity of our factory to stand by while the shift of mostly girls leave the lot. It was about 12:55 a.m. when the cruiser car arrived with three officers. We left them drive thru the Hartley Street gate into the yard. The gates were again shut for a few minutes untill the girls got into their cars and drove up to the gate. The employees were instructed not to go east on College Avenue, then were started thru the gate one after the other. Only several cars got thru the gate when some person or persons started shooting. Only after the officers observed the fire from the guns being fired from Green Street did they fire back in that direction. All but two employees from the shift got out the gate. There was no armored vehicle in the vicinity at this time. It was only after the three officers called to the office for assistance that a armored car appeared. The officers left the property after calling for assistance.

There is no doubt in my mind as to when Bennie Carter & Clarence Ausby were shot, because the shooting was coming from the vicinity of the Jerome Carter home, 239 Green Street, which is the first home on the west side of Green Street, north of College Avenue.

Other persons who will testify that the police did not fire a shot untill some person or persons on Green Street opened fire. These were the persons who were leaving the lot at that time, and are all employees at Dentsply International Inc: Although the factory is on vacation now, they will return August 18, 1969.

Judith Lapairie	- Betty Rudisill	- Violet Cockfield	- Sharon Cox
Nanca Strayer	- Lois Dellinger	- Mildred Linsey	- Beverly Sterner
Linda McClain	- Fannie Kreeger	- Clara Anderson	- Carolyn Little
Gwendolyn Hollis	- Allen Zortman	- William Farrell	

Sincerely yours,

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>PHILADELPHIA</b>	OFFICE OF ORIGIN <b>PHILADELPHIA</b>	DATE <b>12/17/69</b>	INVESTIGATIVE PERIOD <b>12/10-15/69</b>
TITLE OF CASE <b>CHANGED JEROLD LEROY WILLIAMS; WILLIAM JAMES FARRELL, III; EARL W. FREY; CHARLES N. MORROW; NEVIN C. BARLEY, JR.; UNSUBS; YORK POLICE DEPARTMENT, YORK, PA., CLARENCE MACKAUSBY, JR., aka Sonny; BENNIE LEE CARTER - VICTIMS</b>		REPORT MADE BY <b>JOHN R. WINEBERG</b>	TYPED BY <b>WJS/DS /KLW/KMD</b>
		CHARACTER OF CASE <b>CIVIL RIGHTS SUMMARY PUNISHMENT</b>	<b>11 4 7</b>

*ST CLARENCE AUSTIN*  
Title marked changed to add full names of victims  
and also akas and additional names of subjects.

REFERENCE

Bureau airtel to Philadelphia dated 12/4/69.

-P-

LEADS

*del-mulley*  
**PHILADELPHIA:  
AT HARRISBURG, PA.**

Will obtain copy of PSP report re this incident.

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:  PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
APPROVED						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
③ - Bureau 1 - USA, MDPA. 2 - Philadelphia (44-1704)						44-44140-2 9 DEC 22 1969 MCT-6 REC-77		
Dissemination Record of Attached Report						Notations		
Agency	CWO					<i>STAT SECT.</i>		
Request Recd.								
Date Fwd.	12-23-69							
How Fwd.	694B							
By	JCHW:pt							

53 JAN 12 1970 148

COVER PAGE

PH 44-1704

AT SCRANTON, PA.

Will obtain advisory opinion of USA, MDPA.

ADMINISTRATIVE DATA

All persons interviewed during the course of this investigation were advised that the inquiries were being made at the expressed instruction of JERRIS LEONARD, Assistant U.S. Attorney General, Department of Justice, Washington, D.C.

B\*

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, MDPA.

Report of: JOHN R. WINEBERG  
Date: DECEMBER 17, 1969

Office: PHILADELPHIA, PENNSYLVANIA

Field Office File #: 44-1704

Bureau File #:

Title: JEROLD LEROY WILLIAMS; WILLIAMS JAMES FARRELL, III;  
EARL W. FREY; CHARLES N. MORROW; NEVIN C. BARLEY, JR.;  
UNKNOWN SUBJECTS; YORK POLICE DEPARTMENT, YORK, PA.;  
CLARENCE MACK AUSBY, JR.; BENNIE LEE CARTER - VICTIMS

Character: CIVIL RIGHTS - SUMMARY PUNISHMENT

Synopsis: Victims and witnesses allege that subject police officers opened fire on them from an armored truck without provocation. Police officers in interview state that their armored car was fired on by victims or witnesses before police fired. Medical records of victims obtained and set out. Description of subjects set out.

- P -

DETAILS: This is a preliminary investigation.At York, Pa.

LEONARD L. LANDIS, Chief of Police, York, Pa., was advised at the outset that an investigation was being conducted regarding an alleged violation of civil rights by members of his department.

## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

"December 11, 1969

"York, Pa.

"I Clarence Mack Ausby, Jr., also known as Sonny, residing 148 South Penn Street, York, Pa., born January 16, 1943, York, Pa., make the following free and voluntary statement to John R. Wineberg and John William Daane, who have identified themselves to me as Special Agents of the Federal Bureau of Investigation on official business. I have been advised this statement may be used in a court of law.

"On the night of July 18-19, 1969, I was sitting and drinking beer with Bennie and Anna Carter, 227 Green Street, their 15 year old son, Leon, Jerome and his wife Barbara Carter, who reside at 229 Green Street, on the front steps of Bennie Carter's house. There had been gangs of black teenagers running through the streets of the area as late as 10 p.m. on July 19, 1969, and sometime around midnite there had been the sound of gun shots from the area around Penn and College Avenue, which is to the Southwest of where we were about a block away. I had had several beers by midnight and was pretty well "tanked".

"Shortly after midnight, we saw the Police Department, armored car painted red and white going West on College Avenue, pass Green Street. Green Street continues on with a little jog across College Avenue, and the armored car turned to the left off of College Avenue onto the continuation of Green Street. It backed up and turned so that it then continued back down College Avenue in an Easterly direction. It got to the corner of Green Street and College Avenue which is about 50 yards from where we were. The truck sat crossways in the street so that the rear of the truck was facing toward where we were. I heard loud shouting from the armored car but I do not know what was said. Just prior to the time we saw the police armored car come there had been a shot fired somewhere over in the area of Penn Street as mentioned above.

12/11/69

York, Pa.

PHILADELPHIA 44-1704

On \_\_\_\_\_ at \_\_\_\_\_

File # \_\_\_\_\_

SA JOHN R. WINEBERG and

by SA JOHN WILLIAM DAANE

JBW/wjs

Date dictated 12/17/69

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Within a few seconds of the police shouting, they opened fire with guns at us. I could not tell from the sound of the shots what kind of guns they were and I don't know how many rounds were fired but it seemed to be considerable.

"I was hit in first volley of shots in the upper right thigh on the outside. There were three wounds in my body, probably from a shot gun. I fell off the porch where I was sitting onto the sidewalk still semi-conscious. I shouted that I'd been hit by the gun-fire and everyone on the front steps had gotten out of the line of fire by that time into the houses of the Carter brothers or in the alley between the houses.

"Bennie Carter was in the alley between his house and the house next door and came out on the sidewalk to help me to safety. As Bennie was getting me out of danger he got hit with a shot too in the right side. He carried and dragged me through the alley to the back of his house and into the kitchen. I don't remember much then until I was carried out the front door of Bennie's house by him and his brother Jerome and put in the police armored car to be taken to the hospital. They put me on the floor and I remember from the way the truck was headed that we went South on Green Street and turned right at College Avenue. It was dark in the truck and I don't know how many police were in the back of the truck but there were three or four at least and they started to harass me as soon as I was put in the truck. They called me "coon" and "hoon." One of the said, "We should kill you now and should have killed you at first. We should take you out in the country and drop you off."

"When we got to College Avenue, and Grantley Street, the truck turned left. I was getting faint at this time and starting to "black out". I next was aware of the truck being stationary and Officer Palmer asked me how I was. I told him that I wanted to get to a hospital. I don't know if I was taken to the hospital in the truck or an ambulance.

3

but the next thing I remember I was in the emergency ward of the hospital. I do remember that sometime during the time I was in the back of the armored car that I was kicked in the ribs by one of the officers. I am sure it was deliberate because it was well-aimed to my ribs with the toe of the shoe.

"There were no guns in the possession of any one on the front steps of Carter's front steps nor did anyone shoot a gun at anytime.

"I have read the above, and the other two pages. They are true and correct to the best of my knowledge.

"/s/ Clarence Mack Ausby, Jr.

"Witnesses:

"John R. Wineberg, Spe. Agt., FBI, York, Pa.

"John William Daane, Special Agent, FBI, York, Pa.

The following is a description of CLARENCE MACK AUSBY, JR., as obtained from interview and observation:

Name	CLARENCE MACK AUSBY, JR.
Alias	Sonny
Date of Birth	January 16, 1943
Place of Birth	York, Pa.
Race	Negro
Sex	Male
Height	5'5"
Weight	120 pounds
Complexion	Medium
Hair	Black
Eyes	Black
Build	Slim
Marital Status	Separated from wife
Address	148 Penn Street, York, Pa.
Employment	American Chain and Cable Company, York, Pa.

FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

On December 10, 1969, CLARENCE M. AUSBY, JR., 148 Penn Street, York, Pa., signed a written release granting permission to have his medical records at the York, Pa., Hospital reviewed.

On December 12, 1969, Mrs. BETTY J. NEELEY, Director, Medical Records, York Hospital, made available for review the record of AUSBY. There was nothing in the record to indicate how or who brought AUSBY to the hospital for admission.

She furnished the following "Discharge Summary" containing the pertinent information regarding the treatment and discharge of AUSBY.

On 12/12/69 at York, Pa. File # PHILADELPHIA 44-1704  
by SA JOHN R. WINEBERG / wjs 5 Date dictated 12/18/69

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DISCHARGE SUMMARY

AUSBY, CLARENCE M.

#800-00-0676

Surgical Ward Service

ADMITTED: 7/19/69

DISCHARGED: 7/31/69

Diagnoses: Gunshot wounds, right thigh times 3.  
Laceration of right femoral artery and vein.

Operations: Exploration of gunshot.  
Ligation of right femoral vein.  
Saphenous vein graft left to right femoral artery.

HPI: The patient received gunshot wounds of the right leg. He has pain and he has been able to move all extremities. Arteriogram revealed blockade and extravasation of dye into the femur. Pulses were not palpable on the right leg on admission by the Emergency Room.

PMH: Nonremarkable, noncontributory.

Family, Social Histories: Noncontributory.

Physical Examination: Significant findings are limited to the right thigh where an entrance and exit wound is noted and pulses absent.

Studies Performed: Included admission laboratory which revealed a hemoglobin 11.7, hematocrit 35.3, WBC 8200. Glucose 124, blood urea nitrogen 5. Urine, 30-33 RBC's, 8-10 WBC's, moderate epith. cells, positive for occult blood and the catheterized urine specimen taken for admission urinalysis. VDRL qualitative was not reactive. Urine culture taken revealed no colonies and growth, negative on smear on 7/20/69. Serial hematocrits showed a constant unchanging hematocrit throughout the patient's course. On 9/19/69 a right femoral arteriogram read by Dr. Kerr states that the superficial femoral artery is visualized down to a point at its mid portion where considerable spasm is encountered and some extravasation of the contrast media with complete block and only minimal filling below this point. He states that he feels that there has been a traumatic severance of this artery. Studies of the right femur also read by Dr. Kerr show no evidence of fracture or bony abnormality.

Course: The patient admitted 7/19/69 and was taken to the Operating Room that day for exploration of the right femoral artery, ligation of the deep vein and saphenous vein graft to right femoral artery. The patient tolerated the procedure well and left the Operating Room in good condition. On 7/19/69 at 1:30 P.M., postoperatively, the leg was noted to be warm, moderate drainage from the dressing and pulses present at the dorsalis pedis and posterior tibial arteries. These were noted by Dr. Mackenzie. On 7/20 a low grade temperature was noted, the lungs were clear and strong pulses bilaterally. By 7/21 the patient's temperature had subsided. The pulses were good and the patient was on I.V. Ampicillin coverage since his admission. The patient continued to do well recovering without incident until his discharge 7/31/69 to the care of Dr. Bernstein.

J. C. Wirth, M. D.

JCW:lr

D:  
T: 9/10/69

## FEDERAL BUREAU OF INVESTIGATION

Date 12/17/69

"December 11, 1969  
"York, Pa.

"I, Bennie Lee Carter, residing 237 Green Street, York, Pa., born June 17, 1936, Bamberg, S. C., make the following free and voluntary statement to John R. Wineberg and John William Daane, who have identified themselves to me as Special Agents of the Federal Bureau of Investigation on official business. I have been advised this statement may be used in a court of law.

"On Friday-Saturday night, July 18-19, 1969, I was sitting on the front steps of my residence about midnight with my wife Anna, my son Leon, 15 years old, Clarence Ausby, also known as Sonny, my brother Jerome and his wife Barbara who live next door at 239 Green Street. Wanda Burks, my wife's neice was also there, and maybe her brother Rodney.

"We were sitting on the steps talking about the riot situation in the city of York taking place the past several days when we heard what sounded like gun-fire from the direction of College Ave., and Penn St., a couple of blocks away. About 5 minutes later we saw the city Police Dept., armored truck painted white and red come up the street on College Avenue going west at the end of Green St. about 50 yards South of my house. The truck turned left off of College Ave. into Green St., and then backed onto College Ave. heading west with the rear end pointed cross ways in the street pointing towards my residence.

"Without any warning except some police officer in the back of the truck saying, 'OK, you black bastards, if that's the way you want it?' they stated to fire with guns at us on the steps. I shoved my wife in the house

7

On 12/11/69 at York, Pa. File # Philadelphia 44-1704  
by SA JOHN R. WINEBERG and  
SA JOHN WILLIAM DAANE JRW:ds Date dictated 12/11/69

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"and my son jumped into Sonny Ausby's car which was parked in front of my house. My brother ran into his house I guess and Sonny Ausby got to the side and behind his car so that he was shielded from the police gun fire. There was another burst of gunfire from the car and I told Sonny to get into the small alley-way on the North side of my house between the next house and it. As he came about 15' from his car to the alley-way he was shot by the police. He laid on the sidewalk as the police continued to shoot. I went out on the sidewalk to help Sonny out of the line of fire from the police and got hit in the 'small' of my left back near the waist. I think it was a rifle slug but I was later told in the hospital that it was a '00 buckshot.' (I do not think '00 buckshot' would carry that far because I am an experienced deer hunter.)

"I managed to pull Sonny out of the line of fire into the alley between the two houses and around the back door to my kitchen. He was then probably unconscious from loss of blood and had been semi-conscious while I had gotten him from the front of the house to the kitchen. He was wounded in three places in the upper thigh in the front of his body. My brother, Jerome, who lives next door, was in my kitchen and applied a tourniquet to the wound to stop the bleeding.

"Someone in the house said that the police truck was coming down Green St. and we stopped them and asked them to take an injured man to the hospital. They stopped and said, 'If you niggers have somebody hurt in there, you bring him out. We ain't goin' out with all you niggers in there.' Jerome and I took Sonny out of my house and put him in the side of the police truck on the floor. By this time he was semi-conscious again. I tried to get into the truck with him to go the hospital with him but the police officers would not let me go with him. The truck went South on Green St. and then turned West on College Avenue.

"I drove myself to the hospital in Sonny's car which was parked on the street in front of my house.

"The York Police Dept. armored truck fired on us and wounded both of us without any warning or reason whatsoever. At no time did any of us have any guns or shoot at the police.

"I have read the above statement of this and two other pages. It is true and correct. I have initialed corrections.

"/s/ Bennie Lee Carter

"Witnesses:

"John William Daane, Special Agent, FBI, York, Pa.  
"John R. Wineberg, Spec. Agt, FBI, York, Pa."

The following is a description of BENNIE LEE CARTER obtained from interview and observation:

Name	BENNIE LEE CARTER,
Residence	237 Green Street, York, Pa.
Race	Negro
Sex	Male
Date of Birth	June 17, 1936, at Bamberg, S. C.
Age	33
Height	5'11"
Weight	190 pounds
Build	Medium
Complexion	Medium
Eyes	Black
Wife	ANNA CARTER
Education	High School graduate
Dependents	Six children
Employment	American Chain and Cable, York, Pa.

## FEDERAL BUREAU OF INVESTIGATION

Date 12/17/69

On December 10, 1969, BENNIE L. CARTER, 238 Green Street, York, Pa., signed a written consent to have his medical records at the York Hospital reviewed.

On December 12, 1969, Mrs. BETTY J. NEELEY, Director, Medical Records, York Hospital, advised there was no indication in the records of the hospital as to how CARTER arrived at the hospital. She furnished the following "Discharge Summary."

/0

On 12/12/69 at York, Pa. File # Philadelphia 44-1704  
by SA JOHN R. WINEBERG /ds Date dictated 12/12/69

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DISCHARGE SUMMARY

CARTER, BENNIE L.

# 164-28-6605

ADMITTED: 7-19-69

Attending Physician: Dr. E. L. Bernstine

DISCHARGED: 7-23-69

Discharge Diagnosis: Gunshot wound, left flank.

History of Present Illness: This is the second York Hospital admission for this 33-year-old Negro male who was admitted with a bullet wound of the left flank.

Past Medical History: Noncontributory and unremarkable.

Family History: Mother has carcinoma, diabetes, and increased blood pressure.

Physical Examination: Significant findings are limited to the back where a through-and-through wound of the left flank is noted.

Laboratory Studies: Admission lab - Urinalysis within normal limits. Blood glucose 116, blood urea nitrogen 10. Hemoglobin 13.3, hematocrit 42.2, WBC's 4,700 with 67% polys, 1% stabs, 2% monos, 26% lymphs, 2% eos, and 2% baso. Nonreactive VDRL. Chest film - PA and lateral views of the chest show no abnormality of the heart, lungs, or diaphragm. Abdomen - AP film of the abdomen showed the psoas shadows and kidneys to be normal in appearance. Liver and spleen did not appear enlarged. Bowel patterns within normal limits. No abnormal calcifications are seen. Radiology read by Dr. Raymond A. Taylor.

Hospital Course: The patient was admitted on 7-19-69 via the Emergency Room. He was started on a course of Wycillin SM 400,000 units IM b.i.d., Demerol 75 mg. q. 3 to 4 hours p.r.n. for pain with vital signs being checked q. 1 hour on 7-19-69. On 7-20-69 Wycillin was stopped and Ampicillin 250 mg. p.o. q.i.d. was instituted. On 7-23-69 the patient was discharged to the care of Dr. Bernstine.

John C. Wirth, Jr., M.D.

JCW/pab

D - 8-20-69

T - 9- 8-69

## FEDERAL BUREAU OF INVESTIGATION

Date 12/17/69

JEROME CARTER, 239 Green Street, was advised of the nature of the investigation in this matter. He advised that on the night of July 18, 19, 1969, he was sitting on the front porch (steps) of his brother's home, 237 Green Street, with his brother, his brother's wife, ANNA, SONNY AUSBY, a friend, and SONNY's friend. This was about 12 to 1:00 a.m. on July 19, 1969.

About this time an armored truck of the police department, painted orange, with slits for peep holes in the side, was seen by them going west on College Avenue near the end of Green Street. About a minute before this there had been some gunshots from the vicinity of College Avenue and Penn Street about a block and a half away. The armored truck continued west on College past the end of Green Street a few feet and then turned left into the continuation of Green Street. It backed out and then headed east to Green Street. It stopped with the rear end of the truck facing 237 Green Street at an angle. He then heard from the truck, "OK you black bastards, if this is the way you want it, this is the way you're going to get it." Immediately shots came from the truck towards them. CARTER and his wife ducked down behind the steps and his brother BENNIE got into the house or between the houses. SONNY AUSBY ducked down and behind the side of his car which was parked in front of 237 Green Street. CARTER said that he then ran into his house next door at 239 to see about his young son who was in the house.

He saw that his son was all right and came back outside. By this time the shooting had stopped and he saw that his brother BENNIE was dragging or carrying SONNY between the houses to the back of BENNIE's house. His brother told him that BENNIE had been shot and JEROME CARTER went into his brother's house. He met his brother at his back door and they took SONNY into the kitchen. He was bleeding badly. He made a tourniquet to try to stop the bleeding. It was

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by SA JOHN R. WINEBERG and  
SA JOHN WILLIAM DAANE JRW/ds Date dictated 12/15/69

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not until then that he noticed that his brother, BENNIE, also had been shot. He did not seem to be in as bad a condition as SONNY.

SONNY was semi-conscious and then unconscious. Someone in the house called the police department to tell them that there was a wounded man in the house. The same armored truck came south on Green Street within about five minutes and stopped at his brother's house but the police would not get out of the truck to take him to the hospital.

One of them said, "There's enough niggers in there to get him out here." They BENNIE and his brother carried SONNY AUSEY out to the police armored car. CARTER said there were about three or four police officers in the back of the truck. CARTER said that at no time did any of the people sitting in front of 237-239 Green Street fire any shots, or have any guns.



## FEDERAL BUREAU OF INVESTIGATION

Date 12/10/69

ANNA CARTER, wife of JEROME CARTER, residing at 237 Green Street, York, Pa., was advised of the nature of this investigation. She stated that in late July 1969 sometime around midnight during the disorders in York, Pa. she was sitting on her front steps with her husband, her sister-in-law, and brother-in-law BARBARA and JEROME, who reside at 239 Green Street, her 15 year old son LEON, family friend SONNY AUSBY, and RONNIE BANK, another friend.

She said that throughout the evening there had been the sound of gunshots from the vicinity of College Avenue and Penn Street, a couple blocks away, and that about ten minutes before a police department armored car came into view, there had been what sounded like a gunshot from College and Penn Streets. It was all quiet on Green Street.

She saw a red and white police department armored car going west on College Avenue. It pulled up to the intersection of Green and College Avenue at an angle with the rear pointing toward 237 Green Street. A police officer in the truck hollered "All right you black sons-of-bitches, if that's the way you want it, you'll get it". The police then started to shoot at them. She said she got into the house at 237 Green Street as fast as she could.

She saw out the front door that her husband was crouching down behind the steps, and that SONNY AUSBY was crouching behind the side of his car. Her son LEON had gotten into AUSBY's car. Her sister-in-law BARBARA was also inside the house.

JEROME CARTER had gone into his house at 239 Green Street. RONALD BANKS, ANNA's brother also went into the 239 Green Street house.

She said she saw SONNY AUSBY get shot when he tried to run from the side of his car about ten feet into the

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alleyway between the houses where her husband BENNIE was.

SONNY got to BENNIE, and BENNIE pulled him back between the houses to the kitchen door and in the house. BENNIE and JEROME tied a tourniquet on SONNY to stop the bleeding. He was bleeding badly. SONNY seemed to be unconscious at this time.

She said she then went to EITHO's house, 225 Green Street, her sister-in-law's, to phone the police to tell them that a man at her house had been shot. The police department hung up on her. As she was coming out of 225 Green Street, she saw the armored truck coming back south on Green Street and stop in front of her house. She said she went to the armored truck and told the police there was a man in her house who had been shot; she wanted them to get the man and take him to the hospital. One of the police officers said, "We're not coming in there to get him; there's enough of you Niggers in there to get him out here". She said her husband JEROME and RONALD took SONNY out to the armored car. The truck drove off.

She said that none of the people who had been on the front steps of 237 Green Street had shot at the police armored car and no one had any guns.

## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

Mrs. JEROME (BARBARA) CARTER, 239 Green Street, York, Pa., was advised of the nature of this investigation and stated that she had been on the steps outside of her brother-in-law's, BENNIE CARTER, 237 Green Street, with his wife, ANNA, ANNA's niece, WANDA BLAKE, and SONNY AUSBY a friend. They had been on the steps or porch since early in the evening and some of them were drinking beer. This was late in July 1969 during the riots in York, Pa., and there had been sounds of gunfire from the area of Pennsylvania Street and College Avenue since dark. She had also said there had been some teenage boys earlier in the evening running in the area who had guns. She did not see them use the guns.

Sometime around 12 to 1 a.m. early Saturday morning, a police department armored truck, which she could not further describe, was driving west on College Avenue, past the south end of Green Street.

She remembers hearing a shot from a gun in the area of Penn Street and College Avenue shortly before. She said that the police in the armored car almost immediately started shooting from the armored car at them on the porch. She immediately ran into the house of her brother-in-law's, 237 Green Street. At this time, SONNY AUSBY was trying to protect himself from the shooting by standing at the side of his car parked in front of 237 Green Street.

The next time she saw him he was being carried in the back door of 237 Green Street by her brother-in-law BENNIE CARTER and her husband JEROME. SONNY had been shot and so had her brother-in-law.

Within a few minutes the armored truck came back down Green Street going south and stopped at 237 Green Street. The police didn't want to get out of the armored truck to come into the house and get SONNY so finally her husband and brother-in-law took him out to the street and put him in the armored truck.

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SA JOHN R. WINBERG

JRW:klv

Date dictated 12/15/69

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At no time did anyone on the front steps of 237  
Green Street fire a gun or even have a gun.

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FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

NEVIN C. BARLEY, Jr., 1889 South Queen Street, York Pa., who is a Sergeant on the York Police Department, York, Pa., was advised of the nature and purpose of this investigation. He stated that he did not care to discuss this matter having given testimony in Federal Court at Harrisburg, Pa., on this matter under oath, and he had nothing else to add on the subject.

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On 12/11/69 at York, Pa. File # Philadelphia 44-1704

by SA JOHN R. WINEBERG  
SA NORMAN A. HENDRICKS JEW:kiw Date dictated 12/15/69

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## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

Chief of Police LEONARD L. LANDIS advised that due to the confusing situation during the disorders in York, Pa., and the continually switching of men from one assignment to another that he could not locate in his records the assignment of individual police officers in the armored trucks the night of July 18-19, 1969 except the officer in charge of the vehicles in question were Corporal FREY and Sergeant BARLEY.

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On 12/15/69 at York, Pa. File # Philadelphia 44-1704

by SA JOHN R. WINEBERG  
SA NORMAN A. HENDRICKS JRW:klw Date dictated 12/16/69

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## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

On December 11, 1969, LILA JOHNSON, 236 Green Street and Mrs. MARIE CHAMBERS, 228 Green Street, advised SAs DONALD G. COX and JOHN W. DAANE that they had been in the house when their neighbor BENNIE CARTER and his friend were shot during the riots in July of 1969 because there had been shooting in the area during the evening and late night. They said they knew of no neighbors in the area who had witnessed the shooting.

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On 12/11/69 at Yonk. Pa. File # Philadelphia 44-1704

by SA DONALD G. COX  
SA JOHN W. DAANE JWD:RLW Date dictated 12/15/69

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## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

FRED J. ENTERLINE, 129 Hamilton, was given a form entitled "Interrogation: Waiver of Rights" to read and sign which he did. He was advised as to the nature of the investigation. He furnished the following information but not as a signed statement:

He stated that he did not recall the exact date that two blacks were shot at night on Green Street in York, Pa., by police officers; however, he did recall it was the same night that Officer SCHAAD of the York Police Department was shot, and later resulted in his death. This was in the latter part of July 1969.

He could not remember the time of the night but sometime in the night he was in one of the armored cars of the York, Pa. Police Department with Corporal FREY. Officers MORROW, FARRELL, and WILLIAMS. They had received radio instructions to go to the vicinity of Green Street, and College Avenue because there was gunfire and sniping in the area.

He recalled that Corporal FREY drove from Princess Street and turned south on Green Street in the 200 block. They went down Green Street to where it intersects with College Avenue, where there had previously been a report of sniper firing. At this point there was gunfire from the house on the northeast corner of Green Street and College Avenue at the armored car.

He didn't know how many shots were fired at the truck but it was several. He could not be more specific due to the lapse of time. He said that about the same time there were a couple of shots that seemed to be near the truck that came from the house next to the parking lot on the west side of Green Street. Then a man using a car as a shield in front of the same house pointed a gun at the truck and fired at the truck. ENTERLINE said that he and Officer MORROW then fired at the man who had shot at the truck. This was about

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~~30 yards from the truck.~~ He said he fired a carbine once and did not know how many times MORROW fired or did he recall what kind of a gun MORROW had.

He also said that the shooting stopped then, and he saw that a man was dragged between the house as was a rifle or shotgun. The truck proceeded north on Green Street without further incident, and the truck was ordered by headquarters out of the area.

He said that the truck did not take the wounded man to the hospital.

The following description was obtained by interview and observation:

Name:	FRED J. ENTERLINE
Address:	129 Hamilton Street, York, Pa.
Date of birth:	5/27/41
Place of birth:	York, Pa.
Race:	White
Sex:	Male
Nationality:	American
Height:	5'7"
Weight:	160 pounds
Hair:	Dark, receding, mustache
Eyes:	Brown, glasses
Marital Status:	Married
Former police officer:	York Police Department
Children:	Two

## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

GERALD LEROY WILLIAMS, 494 Capital Road, RD #8, York, Pa., was furnished a form entitled "Interrogation: Waiver of Rights", which he read and signed. He was advised of the nature of this inquiry. He furnished the following information; however, he declined to furnish a signed statement.

He said in his capacity as a police officer on the York, Pa., Police Department, that on the night of July 18-19, 1969 he was assigned to duty in one of the two police armored cars that night that were patrolling in the area of the 500 block of College Avenue where there had been shooting during the evening. There had also been reports of sniper firing in the vicinity of Princess and Green Street, which is a block away.

He said that he recalled that around midnight or sometime after that the armored car, which also had officers ENTERLINE, MORROW, Corporal FRYE, and FARRELL in it was going south on Green Street off Princess. The truck went down Green Street, and at College Avenue, the truck turned around in the jog that Green Street makes. There was no firing at the truck as it went through Green Street the first time when it was going south. When the truck turned around and was coming back toward Green Street, the truck was fired on from the first house on the left side of the street with probably two or three shots. No one in the truck returned the fire as well as WILLIAMS could recall. Police headquarters was advised on the radio that they were being fired at by snipers, and they were instructed to leave the immediate area which they did. They resumed patrol outside of the area of the 200 block of Green Street.

WILLIAMS also said that the truck did not pick up anyone who had been shot on Green Street to take them to the hospital.

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The following description was obtained by interview and observation:

Name:	GERALD LEROY WILLIAMS, aka Jerry,
Address:	RD #8, York, Pa.
Date of birth:	9/3/44
Place of birth:	Bellefonte, Pa.
Race:	White
Sex:	Male
Nationality:	American
Height:	6'3"
Weight:	270 pounds
Hair:	Brown
Eyes:	Blue
Build:	Heavy
Marital status:	Married
Occupation:	Police Officer, York Police Department

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## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

WILLIAM JAMES FARRELL, III, was furnished a form entitled "Interrogation; Waiver of Rights" which he read and signed. He also was advised of the nature of this inquiry. He furnished the following information; however, he declined to furnish a signed statement.

He said that he had been in one of two of the Police Department's armored cars the night of July 18-19, 1969, sometime around midnight during the riots in York, Pa. He had just come off of his vacation and when he heard that a police officer had been shot, he called the department. He was told to report for duty. He was assigned to duty in the truck and sent to the vicinity of Green Street and College Avenue where the Dentists' Supply Company, 500 College Avenue, was giving reports of shooting in the area. This was sometime around midnight. Assigned to duty in the truck with him were Officers MORROW, ENTERLINE, WILLIAMS, and Corporal FREY, the latter as driver. There was also another police department armored truck in the area because there had been reports of shooting in the area earlier in the evening.

The truck was coming South on Green Street in the 200 block going toward College Avenue. When it got to the intersection of College Avenue, and Green Street, at the Dentists' Supply parking lot, he saw out the window of the truck near the parking lot of Dentists' Supply on the East side of Green Street, a black man running North on Green Street with a gun, either a rifle or shotgun. FARRELL was looking out the left side of the armored car when he saw him and lost sight of the black man as he passed from the limited view of the truck. At this time a shotgun blast hit the left side of the truck as the truck was turning around to go back North on Green Street. At this time one of the other officers in the truck said he saw a man with a gun and then he shot. The truck got turned around and went North on Green Street but there were no more shots fired by either the police or anyone in the area.

He said that this truck did not pick up or take to

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by JOHN R. WINEBERG and  
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the hospital anyone that had been shot.

Following is a description of WILLIAM JAMES FARRELL, III, obtained by interview and observation:

Name	WILLIAM JAMES FARRELL, III
Address	818 Wayne Avenue York, Pa.
Race	White
Sex	Male
DOB	12/4/49
POB	York, Pa.
Height	5'10"
Weight	175 pounds
Eyes	Hazel
Complexion	Dark
Build	Medium
Marital status	Married
Children	Two
Occupation	Patrolman, York, Pa., Police Department

## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

EARL W. FREY, Jr., 317 North Queen Street, was furnished a form entitled, "Interrogation; Waiver of Rights" which he read and said that he understood but declined to sign. He was advised as to the nature of this investigation. He furnished the following information; however, he declined to furnish a signed statement.

He said that he had been the driver and in charge of the police armored truck one night during the disorders in York, Pa., in July of 1969. He did not recall the date but said it was the same night as Officer SCHAAD of the York Police Department was shot by a sniper and later died.

He said that in the truck with him were Officers WILLIAMS, ENTERLINE, MORROW and FARRELL. They were in the back of the truck and he was in the front alone. He said that he recalled they were sent by Police radio sometime around midnight to the vicinity of Green Street and College Avenue where there were reports of sniper firing.

He recalled that they drove South on Green Street in the 200 block. When they got to College Avenue, he turned West on College Avenue, and it was about this time that he heard gun fire and it seemed that it was directed at the truck. He turned the truck around to go East on College Avenue and there were more shots at the truck. He thought they came from the first house on the West side of Green Street which was about forty yards from the truck. He scrambled down in the seat and heard several return shots by the men in the back of the truck. The firing stopped and he then turned the truck back on Green Street going North. He stated as they passed the first house on the West side of Green Street, he noticed red and green shotgun casings on the sidewalk but continued to drive on because of the situation. He said that the truck did not take anyone to the hospital that night from Green Street.

Following is a description obtained by interview and observation:

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Name	EARL W. FREY, Jr.
Address	317 North Queen Street York, Pa.
DOB	10/6/27
POB	York, Pa.
Race	White
Sex	Male
Nationality	American
Height	5'8"
Weight	165 pounds
Build	Medium
Complexion	Medium
Eyes	Brown
Hair	Brown
Marital status	Married
Occupation	Corporal, K-9 Corps York, Pa., Police Department

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## FEDERAL BUREAU OF INVESTIGATION

Date 12/18/69

CHARLES N. MORROW, furnished the following signed statement when interviewed:

"I, CHARLES N. MORROW, make the following voluntary statement to JOHN WILLIAM DAANE and NORMAN A. HENDRICKS whom I know to be Special Agents of the Federal Bureau of Investigation. I have been furnished with a form entitled Interrogation; Advice of Rights which I have read and I understand. I have signed the waiver of these rights at the bottom of the form.

"I was born February 21, 1936 at Reading, Pa. and presently reside at Box 396, RD #5, Dover, Pa. I am employed as a policeman by the city of York, Pennsylvania.

"During July 1969 I was working on the day shift and during the civil disorders in town I was assigned to work nights. On one of these nights I was assigned to an armored car with Cpl. EARL FREY, and Officers WILLIAM FARRELL, FRED ENTERLINE and GERALD WILLIAMS. FREY was the driver of the vehicle and I was the radio operator riding in the front on a seat to the right of the driver. Our assignment was to patrol the troubled area and assist any patrol cars which became pinned down by gunfire. At one time we were traveling East on Princess Street and as we arrived at the intersection with Green Street we received a call to assist a patrol car at the Dentsply parking lot which was taking fire. We turned South on Green Street and proceeded towards College Avenue. As we reached West Hope we started taking considerable gunfire from an unknown place and continued proceeding South. Just as we reached College Ave., and started to turn right to proceed West on College Avenue I looked out the window North on Green Street. In front of approximately the first or second house on the West side of Green

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SAs JOHN WILLIAM DAANE JWD/kmd Date dictated 12/15/69

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"Street I saw a colored man carrying a gun, with a sling, in his right hand. I called to the other men in the vehicle that a man on the sidewalk had a gun to alert them. This man went over to the automobile which was the Southernmost vehicle parked on the West side of Green Street, raised the gun and pointed it at the truck. By now I had a 12 gauge shotgun loaded with double 'O' buck pointing out the porthole just below the window I was watching from. As I was aiming my gun I saw a flash of light from him shotting and also heard the shot as he fired. I immediately fired my shotgun and saw this man fall to the ground. Immediately after he fell two or three other men came to his assistance and dragged him from the spot.

"When I called to the other men about a man with a gun Cpl. FREY stopped the vehicle which was then partially around the corner from Green Street to College Ave. Cpl. FREY turned the vehicle around on Green Street just South of College Ave. Immediately after I fired the shot and we then went back up Green Street heading North past where I had seen the man fall. When we arrived at this spot we could not see any one on the ground or anyplace in sight. I did see a red shotgun shell laying on the ground where he had fallen.

"While we were still on Green Street we received a call to proceed to King and Penn Streets where there was shooting. About the time we arrive there we received a call to assist an ambulance on Princess Street just west of Green Street.

"We did not pick up the man I had shot and transport him to or part way to the York Hospital.

"I was the only officer in the vehicle who fired a shot anyplace on Green Street and I only fired one shot. There was much gunfire going on when we were in the vicinity of Green Street; however, I do not know where this firing was coming from.

"Immediately upon returning to city hall I reported this shooting to my superior officers.

PH 44-1704

"I have read the above statement on this and one other page, it is true and correct to the best of my knowledge.

"/s/ CHARLES N. MORROW

"Witnesses:

"/s/ JOHN WILLIAM DAANE, Special Agent, FBI, York, Pa.

"/s/ NORMAN A. HENDRICKS, Special Agent, FBI, York, Pa."

The following description was obtained at the time of the interview:

Race	White
Sex	Male
DOB	2/21/36
POB	Reading, Pa.
Height	68 1/2"
Weight	170 lbs.
Hair	Brown
Hair	Brown
Marital status	Married
Wife	PAULA K. MORROW
Children	

FOIA(b) (6)

FOIA(b) (6)

FOIA(b) (6)

FOIA(b) (6)

Residence

Box 396, RD #5  
Dover, Pa.

31 \*

12/4/69

AIRTEL

TO: SAC, Philadelphia

1 - Mr. Boyd

FROM: Director, FBI

EW

ALLEGED CIVIL RIGHTS VIOLATIONS  
ARISING FROM RACIAL DISORDERS AT  
YORK, PENNSYLVANIA DURING JULY, 1969

CLARENCE AUSBY

Enclosed are requests for five separate preliminary investigations received from the Department which incidents allegedly occurred during the racial disorders in York, Pennsylvania, in July, 1969. The victims mentioned in the Department's letters are of both the Negro and white races.

According to a Departmental Attorney a civil suit was filed in USDC Harrisburg by various Negro citizens in York, Pennsylvania, against the York Police Department. The plaintiffs are represented by one Peter Hearn who is reportedly an attorney with the Philadelphia law firm of Pepper, Hamilton, and Scheetz. The Department has reviewed a transcript of the civil suit which reportedly consists of over a thousand pages of testimony and from this review it has selected the five incidents as possible violations of the Civil Rights Statutes and has accordingly requested preliminary investigations.

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MAILED 5  
DEC 4 - 1969  
COMM-FBI

Conduct the requested investigations and surep within seven days of receipt of this communication. Advise appropriate officials at the outset and all persons interviewed that investigation is being conducted at the specific request of MR Jerris Leonard, CRD, USDJ, Washington, D. C. Handle pursuant to Section 27, Volume II, Manual of Instructions. Indicate at the beginning of the details in your report that it is a preliminary investigation. Submit results under separate captions.

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Walters \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures - 10

JJB:jd

(4)

DEC 15 1969

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NOT RECORDED  
183 DEC 5 1969

SEE NOTE PAGE TWO.....

MAIL ROOM ☐ TELETYPE UNIT ☐

NOTE:

Racial disturbances began in York, Pennsylvania, on about 7/17/69, and continued for approximately five or six days thereafter. The police established a curfew and attempted to seal off two areas of the town. There were numerous reports of indiscriminate shooting by whites and blacks but it is not believed that very many of the persons responsible for the shooting have been identified.

Robert Murphy, CRD, advised on 12/3/69, that the Department reviewed testimony given in a civil suit filed by Negroes seeking an injunction against the York, Pennsylvania Police Department and the Department picked five incidents which may be violations of the Civil Rights Statutes and requested preliminary investigations. In three incidents it is alleged victims were struck by gun fire from police officers. In another, the victim was allegedly beaten by police following arrest. In the fifth instance a white newspaper man, Michael Cronin, was reportedly beaten on 7/30/69, by a gang of white youths because he had written unfavorable articles concerning them. A witness reported that police officers observed the beating and made no attempt to stop it. This denial of protection could constitute a violation of Civil Rights Statutes.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Director  
Federal Bureau of Investigation

DATE: DEC 1 1969

FROM : Jerris Leonard  
Assistant Attorney General  
Civil Rights Division

JL:RAM:cfb

DJ 144-63-NEW

SUBJECT: Unknown Subjects;  
York Police Department,  
York (York Co.), Pennsylvania;  
Clarence Ausby, Bennie Carter - Victims  
Summary Punishment  
CIVIL RIGHTS

The victims and other persons were sitting on Carter's front steps at 237 Green Street, York, Pennsylvania during the early hours of July 19, 1969, when police, riding in a red and white armored truck, allegedly opened fire on them without cause. The two victims were wounded. Ausby was eventually taken partway to a hospital in a police armored truck and was then transferred to another vehicle. He claims that he was kicked and taunted by police officers on the way to the hospital while in the truck. Ausby resides at 231 Green Street, York, Pennsylvania.

Please conduct a preliminary investigation into:

- a) the shooting of the two victims; and
- b) the beating of Ausby on the way to the hospital.

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